

Massachusetts All-Payer Claims Database: Workgroup on Data Release Process

February 28, 2012



DHCFP has adopted regulations governing the release and use of the data by external parties

- Pursuant to M.G.L. c. 118G § 6, data submitted by payers are not a public record, but DHCFP is committed to facilitating transparency within the Massachusetts health care delivery system
- *114.5 CMR 22.00: Health Care Claims Data Release* governs the disclosure of all member eligibility and claims data submitted by payers to DHCFP
 - The purpose of the regulation is to make health care claims data available as a resource where such access serves the public interest while safeguarding the privacy rights of claims data subjects
- The availability and release of APCD will enhance public and private research projects related to cost, medical service utilization, health care quality, and comparative effectiveness

Types of claims data available for release

- Two tiers of data extracts will be made for each of the six APCD file types (medical claims, dental claims, pharmacy claims, member eligibility file, provider file, and product file)
 - Public Use File: Contains de-identified member and utilization data elements and excludes payer identifiers (Appendix A)
 - Restricted Use File: Contains certain data elements that will not be disclosed unless applicant fulfills certain additional requirements (Appendix B)
 - The Division will release only those restricted data elements that are necessary to accomplish the applicant's intended use
- This approach is consistent with the two levels of data release files available from the HCQCC, Maine, New Hampshire, Vermont, and Colorado
- The timing of the release files has been dictated by the quality and completeness of the data submitted by payers and administrative process

Applicants for public use files must specify the purpose for which data is requested

Sample of public use data elements (Appendix A)

Member / patient's gender

State of the member / patient

First three digits of ZIP code of the member / patient

Data service approved

Admission type code

Admission source code

Inpatient discharge status code

Service provider identification number

National provider identification (NPI) of the service provider

Applicants for restricted use files must demonstrate a need for requested data element

Sample of restricted use data elements (Appendix B)

Member / patient to subscriber relationship code

Member / patient's date of birth

City name of the member / patient

ZIP code of the member / patient

Inpatient admit date

Admission time

Discharge time

Service provider's tax ID number

Date of service from and to

Criteria for the data release process

- Compliance with all federal and state laws and regulations
 - Protection of an individual's privacy
- Security of information
- Availability of health care claims data as a resource where such access serves the public interest
- Promotion of transparency while balancing the protection of confidential business data
- Broad stakeholder engagement and participation
- Clear and accessible application and materials
- Timely and efficient review of submitted applications

To ensure applications align with proposed criteria, DHCFP proposes to convene a DRC

- While DHCFP is vested with the authority to release health care claims data, the agency will rely heavily on the recommendations of the Data Release Committee (DRC)
- Considerations for DRC's composition:
 - Broad stakeholder representation, including “health care plans, providers, and consumers” (*114.5 CMR 22.00*)
 - Time commitment by members to review potentially a large number of applications and attend monthly meetings
 - Expertise in health data privacy and security issues, health research and policy, or health care claims data
 - Size of group to keep discussions manageable

External participation is typically not included in other data release models

- Many other states with APCDs do not have active stakeholder participation in data release decisions, nor an opportunity for public comments

	Colorado	Maine	Maryland	New Hampshire	Vermont
Composition of data review committee	External advisory committee	Internal agency staff unless advisory committee called by Executive Director	IRB approval required	Internal agency staff	Internal agency staff unless advisory committee called by Commissioner
Stakeholder representation	Not yet convened	Limited	N/A	N/A	Limited

- Similarly, disclosure of Massachusetts acute hospital case mix data requires review by a Data Protection Committee comprised of DHCFP staff members
 - A separate Case Mix Data Review Board, with stakeholder representation, is only convened to review applications for data that contains unencrypted physician Board of Registration in Medicine License Number

DHCFP modeled its approach after the HCQCC's Data Release Review Board

- Specifically, *129 CMR 3.00: Disclosure of Health Care Claims Data* requires the membership to include:
 - one member of the HCQCC
 - one member of the HCQCC's Advisory Committee
 - an attorney with expertise in health data privacy issues
 - a data security expert
 - a representative of a hospital licensed in Massachusetts
 - a clinician licensed to practice in Massachusetts
 - and any other individual whom both the HCQCC deems necessary for the review and evaluation of applications
 - the Board shall include at least one person with expertise using statistics, clinical data, demographic data, and payment data

Review of data release policies in Massachusetts

	HCQCC	Case Mix Dataset
Where are application materials available?	Applications can be downloaded from the HCQCC website	Applications can be downloaded from the DHCFP website
Are applications available for public comment?	No	No
How long is the data review period?	Within 45 days of application being submitted	Requests received by the 10 th of each month will be reviewed at the next monthly meeting
Are fees associated with data files?	Yes; ANF approved fee schedule online	Yes; ANF approved fee schedule online

Review of data release policies in other New England states with similar databases

	Maine	Maryland	New Hampshire	Vermont
Where are application materials available?	Applications can be downloaded from the website	Applications can be downloaded from the website	Applications can be downloaded from the website	Applications available upon request
Are applications available for public comment?	Public comment period open for 10 business days	No public comment period	No public comment period	No public comment period
How long is the data review period?	30 days	10 days	45 days	60 days
Are fees associated with data files?	Yes	Yes	Yes	Yes

Overview of the APCD data release application process

- Step 1: Complete application
- Step 2: Submit application to DHCFP
- Step 3: Application will be posted for public comment
- Step 4: Review of application
- Step 5: Notification to applicant of decision

Step 1: Complete application

- An application to request APCD data extracts will be made available through DHCFP's website
- At a minimum, it will require the following information:
 - Description and purpose of the project
 - Data requested with elements
 - Assurances of data security and confidentiality
 - Disclosure of the use (if any) of third-party vendors/agents
 - Disclosure of plans (if any) to link data
 - Corresponding signed agreements, including re-release restrictions
 - Fee based on set schedule

DHCFP's release regulation also required other assurances that may no longer be as relevant

- Specifically, *114.5 CMR 22.00* requires applicants to:
 - “agree to provide the results of all analyses, research, or other product of the data requested to the Division for the Division’s own use; and
 - obtain prior approval from the Division to release any reports that used restricted use files prior to publication or other release to another person or entity.”
- Given that the APCD may be used for a wide variety of purposes, not just publications or project-specific uses, these requirements may be overly cautious
 - For publications, DHCFP will clearly need to ensure that the report does not violate the privacy rights of any data subject – cell size
 - Section may be clarified through administrative bulletin

Step 2: Submit application to DHCFP

- Data requestor will receive an acknowledgement of successful receipt which activates a 45-day review period
- If an application is incomplete or additional information is required, the data requestor will be notified with an explanation and instructions for resubmission
- A new 45-day review period will begin once the application has been re-submitted

Step 3: Applications posted for public comment

- Completed applications will be posted to DHCFP's website and open for a 10-business day public comment period
- Comments submitted will be logged and filed to be considered for the monthly Data Release Committee meeting
- *114.5 CMR 22.00* states that the DHCFP Commissioner will determine which applications need to be reviewed by the DRC
 - Initially, the DRC should review all applications
 - Over time, DHCFP, in consultation with the DRC, will decide which types of applications still require committee review and which can be addressed directly by agency staff

Step 4: Review of application

- Applications will be considered ready for review by the Data Release Committee (DRC) if the close of the 10-business day public comment period falls at least seven days in advance of the scheduled meeting
- The DRC may review each submitted application, including whether:
 - the purpose for which the data is requested is in the public interest;
 - the applicant has demonstrated it is qualified to undertake the study or accomplish the intended use;
 - the applicant requires such data in order to undertake the study or accomplish the intended use; and
 - the applicant can ensure that patient privacy and data security will be protected

Step 5: Notification to applicant of decision

- If a request for data is approved:
 - Data requestor will be notified of the approval
 - DHCFP will generate and send an invoice based on data release fee schedule (subject to ANF approval)
 - Data requestor sends payment
 - DHCFP receives payment
 - DHCFP makes a copy of approved files to media (e.g. DVD/hard disk)
 - DHCFP provides file to data requestor
- DHCFP will post status of each application on its website with any clarifying notes

Step 5: Notification to applicant of decision

- If a request for data is denied or more information is required:
 - Return to requestor with explanation for denial or request for more information
 - Provide instructions for resubmission (if desired)
 - Reprocess data application

For more information:

Upcoming Schedule	
APCD Technical Assistance Group (TAG) Webinar 2 nd Tuesday of each month	Next meeting on March 13th
APCD <i>Combined</i> Workgroup 4 th Tuesday of each month	Next meeting on March 27th

- Send questions and feedback to dhcfp.apcd@state.ma.us
- For more information, including important updates and events, please visit: www.mass.gov/dhcfp/apcd